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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/822,255 | 04/10/2004 | David Todd Nay | SJO920030070US1 | 1765 |

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| EXAMINER |
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GABLER, PHILIP FRANCIS

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| ART UNIT | PAPER NUMBER |
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3637

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 10/822,255 | Applicant(s) NAY ET AL. | |
| | Examiner Philip Gabler | Art Unit 3637 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “means for holding a keyboard and a ... display each ... pivotable about the distal edge of the second frame,” of claims 11 and 17 must be shown or the feature canceled from the claims. The drawings of the instant application show these features only pivotable about the proximate edge of the second frame. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1 and 14 are objected to because of the following informalities: there are apparent typographical errors in the claims (the word "said" or "the" should be inserted before the second mention of the keyboard holder on line 3 of claim 1, and the word "horizontal" should be "horizontally" on line 5 of claim 14). Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 2, 4-12, 14, 16, 17, and 20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claims 1 and 2, it is not clear whether the cabinet is a positively claimed limitation since the recitation of this limitation is first introduced in an intended use format, i.e. "adapted for." Accordingly, claims 1 and 2 are deemed indefinite since the metes and bounds of the claims are unclear. It is further noted that the word "viewing" in the phrase "the viewing angle of [the] display holder" recited in claim 1 makes the phrase unclear.

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6. Regarding claims 5-7, the limitation "the distal region" (or in claims 6 and 7, "the distal edge") in reference to the second frame is unclear because no distal region or edge has been claimed for the second frame.
7. Regarding claims 8, 9, and 12, it is not clear whether the user work space (or workspace) is a positively claimed limitation since the recitation of this limitation is first introduced in an intended use format, i.e. "for." Accordingly, claims 8, 9, and 12 are deemed indefinite since the metes and bounds of the claims are unclear. It is further noted that the limitation "the proximal edge" in reference to the second frame in claim 8 is unclear because no proximal edge has been claimed for the second frame.
8. Regarding claims 10, 11, 16, and 17, the limitation "the distal edge" in reference to the second frame is unclear because no distal edge has been claimed for the second frame.
9. Regarding claims 14 and 16, the limitation "the second bracket frame" (or "the second bracket" as in claim 16) is unclear because it is not clear whether this limitation refers to the "second frame" or is a separate element.
10. Claim 4 recites the limitation "the rack" in line 2 and again in line 3. There is insufficient antecedent basis for this limitation in the claim.
11. Claim 8 recites the limitation "said user workspace means" in line 6. There is insufficient antecedent basis for this limitation in the claim.
12. Claim 14 recites the limitation "the first frame means" in line 8. There is insufficient antecedent basis for this limitation in the claim.

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13. Claim 20 recites the limitation "the rail means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-20, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Moore et al. (US Patent Number 6201690). Moore (Figures 2, 9-13) discloses a computer terminal bracket (23) adapted for rack mounting and to carry a computer terminal comprising: a keyboard holder (41), wherein the height of the keyboard holder is adjustable in a vertical direction; and a display holder (77), wherein the viewing angle of said display holder is adjustable with respect to a cabinet (13) and keyboard holder.

16. Regarding claim 2, Moore further discloses the bracket folds into a single horizontal plane whereby the keyboard holder, display holder, and bracket are coplanar and storable in the cabinet (any number of horizontal planes would pass through all of these elements in their folded position). See Figures 10-12.

17. Regarding claim 3, Moore further discloses a keyboard (83) coupled to said keyboard holder; and a display (79) coupled to said display holder.

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18. Regarding claim 4, Moore further discloses a first frame (35) movable with respect to a rack (viewed as cabinet 13) whereby a distal edge region (viewed as A in Exhibit 1) of the first frame of the bracket is extendable outwardly from the rack; and a second frame (43) pivotally mounted at its proximal edge region (B) to the distal edge region of the first frame for vertical movement of the keyboard holder and display holder (see Figures 10-13).

19. Regarding claim 5, Moore further discloses the keyboard holder and display holder are pivotally mounted to the second frame at a distal region (C) thereof for angular adjustment of the keyboard holder and display holder.

20. Regarding claims 6 and 7, Moore further discloses the keyboard holder and display holder are pivotable about the distal edge of the second frame and can be pivoted as a single unit or individually.

21. Regarding claims 8 and 14, Moore discloses a cabinet (13) comprising a bracket (23) being adjustably movable outward from the cabinet, and having a user workspace (41 and associated components) configured to be horizontal and perpendicular to a face of the cabinet, said bracket comprising: a first frame (35) vertically fixed and horizontally movable with respect to the cabinet; and a second frame (43) pivotally joined to the first frame with a pivot at the proximal edge (A) of the first frame; and said user workspace pivotally joined to the second frame with a pivot at the proximal edge (C) of the second frame.

22. Regarding claims 9 and 15, Moore further discloses the user workspace comprises a computer terminal holder (41).

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23. Regarding claims 10 and 16, Moore further discloses the computer terminal holder comprises a single terminal unit holder pivotable about the distal edge of the second bracket.

24. Regarding claims 11 and 17, as best understood, Moore further discloses the terminal holder comprises a means for holding a keyboard (surface of 41) and a means for holding a display (77) each individually pivotable about an edge of the second frame.

25. Regarding claims 12 and 18, Moore further discloses the user workspace comprises a computer terminal (79 and 83).

26. Regarding claims 13 and 19, Moore further discloses the pivot is of the lockable type (via assembly 45, see column 4 lines 55-59).

27. Regarding claim 20, Moore further discloses a rail (31) in a horizontal plane of the cabinet, said first frame being movable with respect to the rail means.

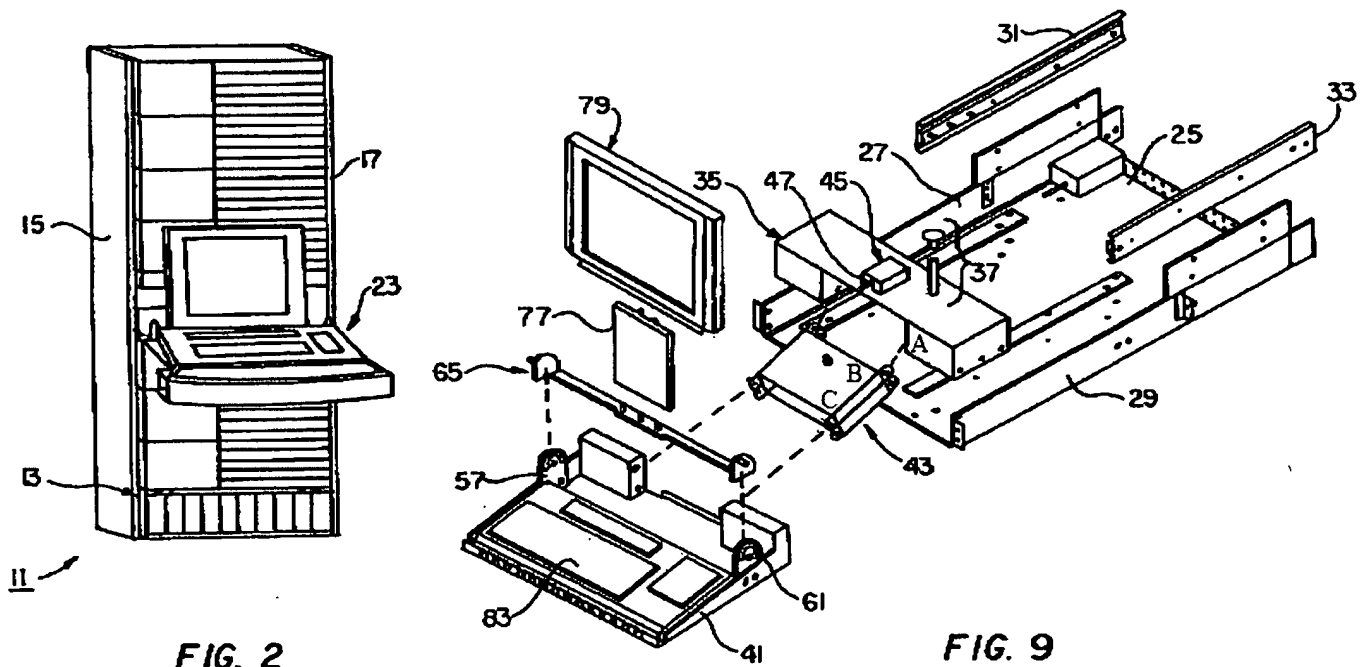


Exhibit 1: Moore et al. '690 Figures 2 and 9

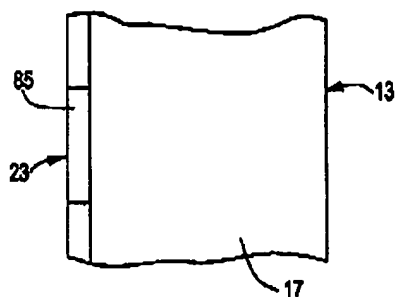


FIG. 10

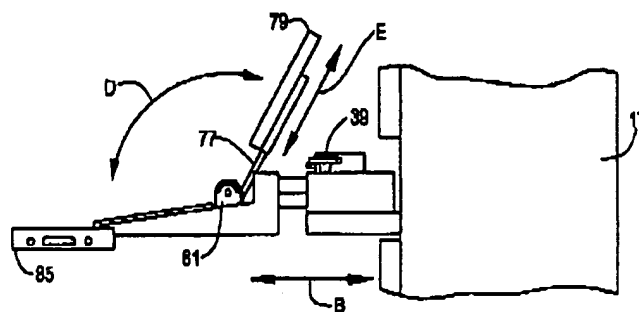


FIG. 12

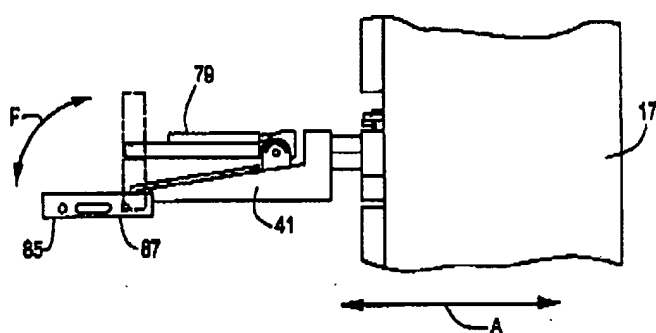


FIG. 11

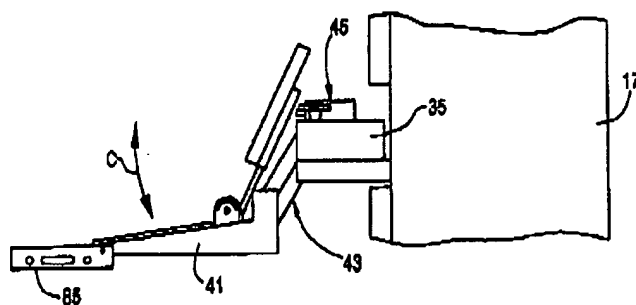


FIG. 13

Moore et al. '690 Figures 10-13

Claim Rejections - 35 USC § 103

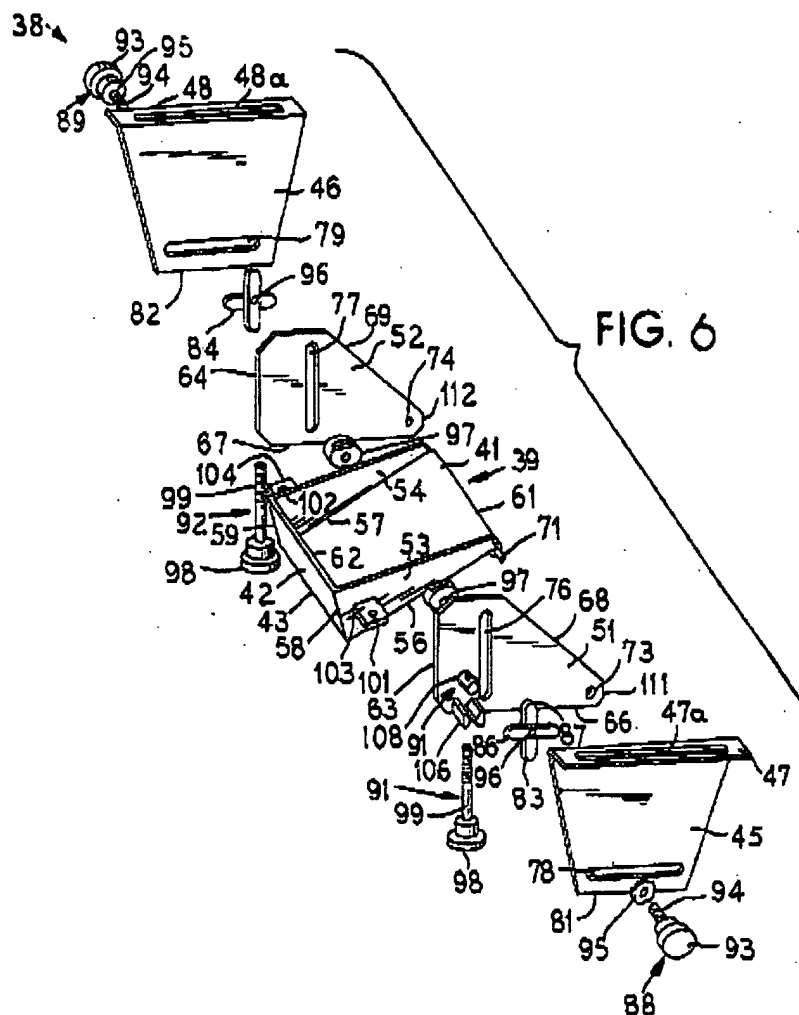
28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Schairbaum (US Patent Number 5655823). Moore discloses a cabinet as recited in claim 20 but does not disclose a rail or frame with a surface having a low coefficient of sliding friction. Schairbaum (Figure 6) discloses a monitor support

assembly including low sliding friction coefficient slides (83 and 84) for engaging rails (76-79). The slides are preferably made of polypropylene (see column 5 lines 36-39).

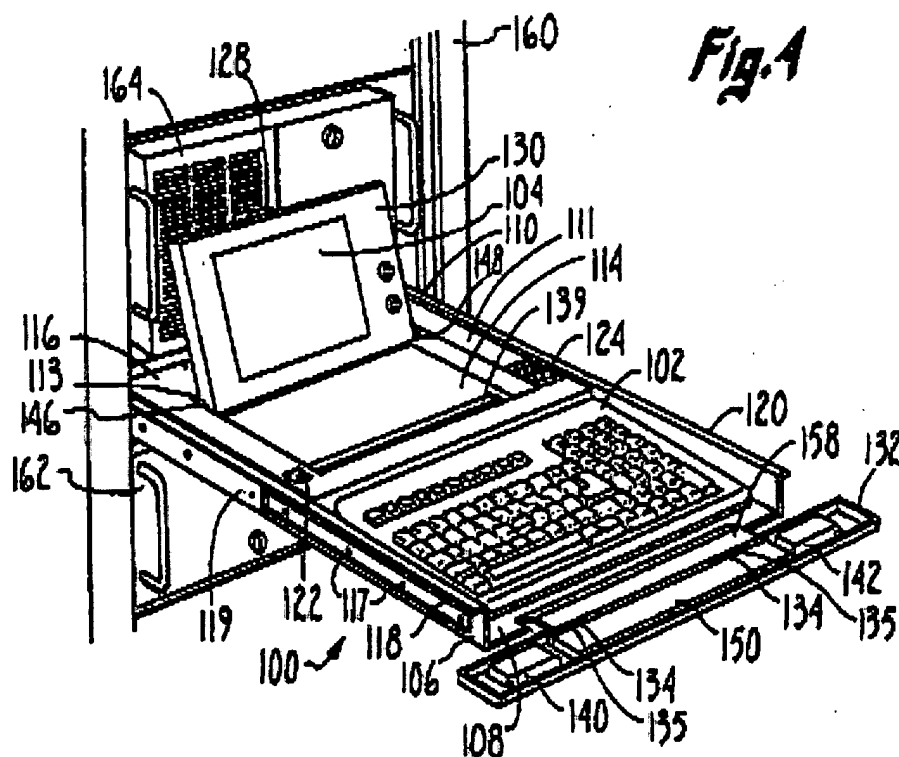
Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moore's frame to include a low friction surface such as polypropylene as taught by Schairbaum because this would allow the frame to slide more easily on the rail.



Schairbaum '823 Figure 6

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30. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Gill et al. (US Patent Number 5388032). Moore discloses a cabinet as recited in claim 20 but does not disclose a rail or frame comprising a rolling element. Gill (Figure 4) discloses a rack mounted computer terminal including a rail (119) and a frame (118) comprising a rolling element (disclosed as either a wheel or a bearing, see column 8 lines 41-43). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moore's rail or frame to include either a wheel or bearing as taught by Gill because this would allow the frame to slide more easily on the rail.



Gill et al. '032 Figure 4

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Allan (US Patent Number 5878674), Lechman (US Patent Number 6092883), and Rauls (US Patent Number 6474760) references are cited for disclosing various computer terminal and keyboard mounting arrangements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PFG *lo*
1/18/2006

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